

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAULA WHITEROCK,  
Plaintiff,

v.

OLD REPUBLIC DEFAULT  
MANAGEMENT SERVICES, et al.,  
Defendants.

Case No. [15-cv-01033-KAW](#)

**ORDER TO SHOW CAUSE; ORDER  
CONTINUING HEARING ON MOTION  
TO SEPTEMBER 17, 2015;  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

Re: Dkt. No. 36

On December 10, 2014, Plaintiff Paula Whiterock, proceeding pro se, filed this mortgage case against Defendants Old Republic Default Management Services and Manufacturers and Traders Trust Company ("M&T"). (Compl., Dkt. No. 1, Ex. 1.) On May 29, 2015, the Court dismissed Plaintiff's initial complaint with leave to amend.

On June 22, 2015, Plaintiff filed her first amended complaint. On July 2, 2015, M&T filed a motion to dismiss, which was joined by co-defendant Old Republic. (Dkt. Nos. 36 & 38.)

Pursuant to Civil Local Rule 7-3, Plaintiff's opposition was due on July 20, 2015. To date, Plaintiff has not filed an opposition.

Accordingly, by no later than **August 14, 2015**, the Court orders Plaintiff to (1) show cause why her case should not be dismissed for failure to prosecute, and (2) file either an opposition to the motion to dismiss or a statement of non-opposition to the motion to dismiss. The response to this order to show cause and the opposition should be filed as separate documents. Failure to timely file both documents may result in the dismissal of this action for failure to prosecute. *See* Judge Westmore's General Standing Order ¶ 22 ("The failure of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute consent to the granting of the motion"). The Court notes that Plaintiff similarly failed to timely


1 respond to Defendants' motion to dismiss the initial complaint. (*See* 4/7/2015 Order to Show  
2 Cause, Dkt. No. 20.) Going forward, any failure to timely respond to the pending litigation  
3 without seeking an extension from the opposing parties by way of a formal stipulation—or by  
4 filing for leave of court if consent cannot be obtained—to extend her time to respond will not be  
5 treated so favorably, and may result in the dismissal of the case with prejudice.

6 To aid in her compliance with this order, Plaintiff may wish to consult a manual the court  
7 has adopted to assist pro se litigants in presenting their case. This manual, and other free  
8 information, is available online at: <http://cand.uscourts.gov/proselitigants>. Plaintiff may also  
9 contact the Federal Pro Bono Project's Help Desk—a free service for pro se litigants— by calling  
10 (415) 782-8982 to make an appointment to have any remaining questions answered.

11 Additionally, the August 20, 2015 hearing on the motion to dismiss is continued to  
12 **September 17, 2015** at U.S. District Court, 1301 Clay Street, Oakland, California at 11:00 a.m. in  
13 Courtroom 4. The case management conference scheduled for August 18, 2015 is continued to  
14 November 3, 2015 at 1:30 p.m. in Courtroom 4. Case management conference statements are due  
15 on or before October 27, 2015.

16 IT IS SO ORDERED.

17 Dated: July 27, 2015

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KANDIS A. WESTMORE  
19 United States Magistrate Judge  
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